

### REMARKS

Claims 40-80 are pending in the present application. By this amendment, Claims 40-42, 46-48, 51, 69-70, 72-73, 75, 77 and 79 have been amended; and Claim 80 has been added. Applicants respectfully request consideration of the present application in view of the foregoing amendments and the following remarks. Support for new Claim 80 is found at page 18, lines 9-11. No new matter has been added.

#### **I. FORMAL MATTERS**

##### Examiner Interview

Applicants wish to thank Examiners Dang and Edwards for the courtesies extended to Applicants' representative during a personal interview with the Examiners on February 24, 2005. During the interview, Applicants' representative discussed Applicants' claimed invention and the prior art of record.

Specifically, in regards to Claim 40, it was respectfully submitted that the prior art of record did not teach an insulator and circuit board within a key body. In regards to Claims 69, 70 and 72, Applicants discussed the differences between the claims as proposed and the prior art of record, and namely the automatic generation of a signal. In regards to Claim 77, Applicants discussed that Applicants' claimed invention resulted in the same key being used to perform the different steps, as opposed to a slave and master key arrangement as taught by the prior art.

It is respectfully submitted that this Response provides the substance of the personal interview conducted February 24, 2005.

Allowable Subject Matter

Applicants wish to thank Examiner Dang for acknowledging that Claims 54-65 were allowed.

In addition, Applicants wish to thank Examiner Dang for acknowledging that Claims 41, 42, 46, 73, 75, 78 and 79 would be allowable if rewritten in independent form to include all the claim features of the base claim and any intervening claim. Applicants have rewritten Claims 41, 42, 46, 73 and 75 in independent form to include all the claim features of their respective base claims. Accordingly, in regards to Claims 41, 42, 46 and 73, Applicants respectfully submit that these claims are now in condition for allowance and respectfully request notification to this effect.

In regards to Claim 75, Applicants respectfully submit that, for reasons as set forth in greater detail below, the combination of Claims 70 and 75 is patentable over the prior art of record.

In regards to Claims 78 and 79, as set forth in greater detail below, Applicants respectfully submit that the combination of Claims 70 and 77 is patentable over the prior art of record.

Claim Objections

Claim 48 was objected to for use of the language "the, or". This term has been amended. Claim 47 has been amended to correct the same informality. Accordingly, Applicants respectfully request withdrawal of this objection.

Claim Rejections Under 35 U.S.C. 112, second paragraph

Claims 51 and 79 were rejected under 35 U.S.C. 112, second paragraph. Claim 51 was rejected for use of the term "plate like in shape" in the claims. This claim has

been amended to remove this term. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 79 was rejected for lack of antecedent basis for the term "the personal and/or demographic information". This claim has been amended to change the dependency of Claim 79 to depend from Claim 78, thereby providing proper antecedent basis for this term. Accordingly, Applicants respectfully request withdrawal of this rejection.

## II. PRIOR ART REJECTIONS

### Claim Rejections Under 35 U.S.C. §103(a)

Claims 40, 43-45, 47-53, 66-72, 74 and 77 were rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent No. 5,055,658 to Cockburn (hereafter "Cockburn") in view of U.S. Patent No. 5,592,169 to Nakamura et al. (hereafter "Nakamura"). This rejection is respectfully traversed.

The office action states that Cockburn discloses a biometric key in the form of a mechanical key having a key body incorporating a biometric sensor for transmission of a signal generated by the biometric sensor. The key body is engagable with a mechanical lock body and has one or more electrical contacts interfaced with or electrically connected to the mechanical lock body characterized in that the sensor is surrounded by an insulator in the key body and the sensor is electrically connected to the one or more contacts. The office action states that Cockburn fails to teach a key body covered by an insulator. Cockburn is also alleged to teach the claim features set forth in Claims 43-44, 48-53, 66-67, 69-72, 74 and 77.

The office action states that Nakamura discloses a key body covered by an insulator. Nakamura is also alleged to teach the claim features set forth in Claim 68.

The office action alleges that it would have been obvious to add an insulator to the **key** body of the key disclosed by Cockburn as evidenced by Nakamura.

It is respectfully submitted that the combination of Cockburn and Nakamura **fails** to teach or suggest Applicants' claimed invention. In regards to Cockburn, it is respectfully submitted that Cockburn does not teach or suggest the use of a circuit board. Cockburn does not disclose a circuit board being electrically connected to contacts 9 and 10. A circuit board is not inherent in Cockburn as sensor 7 may be electrically connected to contacts 9 and 10 by a pair of conductors or a pair of wires. Accordingly, as Cockburn cannot be said to teach a circuit board, Cockburn cannot be said to teach this claim feature of Applicants' claimed invention as a circuit board is not an inherent feature.

In regards to the combination of Nakamura and Cockburn to allegedly teach Applicants' claimed insulator, Applicants respectfully submit that Nakamura teaches a key 1 having a base portion 1a enclosed by a transmitter case 2. The case 2 also has a circuit board 6. However, Nakamura is directed to a remote control transmitter, not a biometric key. As such, Applicants respectfully submit that there is no motivation to combine the teachings of Nakamura with Cockburn. Cockburn does not require a transmitter and Nakamura does not require a key as shown by Cockburn.

In addition, if this combination were permitted, Applicants respectfully submit that the combination fails to teach or suggest Applicants' claimed invention. Nakamura discloses an insulator 2 that surrounds or encloses a base portion 1a of key 1 with a circuit board 5 interposed between parts 2a and 2b of the case or insulator 2. As the case or insulator 2 is the exterior of the remote control key disclosed by Nakamura, there is no teaching or suggestion of an insulator in a key body that is electrically connected to a circuit board (emphasis added). In Nakamura, both the insulator and the

circuit board are located externally of the key body 1 or 1a to provide the remote control transmitter. Accordingly, it is respectfully submitted that Nakamura fails to remedy the deficiencies of Cockburn and the combination of Cockburn and Nakamura fails to teach or suggest Applicants' claimed invention.

In regards to claims 69, 70 and 72, Applicants' respectfully submit that, in addition to the previous comments, Cockburn fails to teach or suggest the automatic generation of a signal that is forwarded to the processing means upon actuation of the biometric sensor (emphasis added). This is not possible in Cockburn since, after use of the master key 3, it is necessary to use insert button 12. This is also applicable to the subsequent use of clave key 5. Nakamura fails to remedy these deficiencies. Accordingly, it is respectfully submitted that the combination of Cockburn and Nakamura fails to teach or suggest Applicants' claimed invention.

In regards to claim 77, Applicants' respectfully submit that, in addition to the previous comments, Cockburn only discloses the initial operation of a master key 3 to program a security device to respond only to a slave key 5 (emphasis added). Conversely, Claim 77 refers to the use of the same key or a key having the same features set out in claim 72. As master key 3 and slave key 5 are structurally different, Cockburn cannot be said to teach or suggest this feature of Claim 77. it is respectfully submitted that Nakamura fails to remedy the deficiencies of Cockburn and the combination of Cockburn and Nakamura fails to teach or suggest Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that Claims 40, 66, 69, 70 and 72 are allowable over the prior art of record. Furthermore, as Claims 43-45, 47-53, 67-68, 71, 74 and 77 recite additional claim features and depend from

one of Claims 40, 66, 69, 70 and 72; these claims are also allowable over the prior art of record.

### III. CONCLUSION

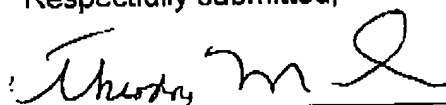
For at least the reasons given above, Applicants submit that Claims 40-79 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicants' representative at the telephone number listed below.

Although no additional fee is believed due, the Commissioner is hereby authorized to charge any fees which may be required by submission of these papers to Deposit Account No. 50-0951.

Respectfully submitted,

Dated: 3/7/05



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